



Helping You

AN INTRODUCTION TO CONSTITUENT SERVICES

Committee Assignments



- ▶ U.S. Senate Committee on Energy & Natural Resources
<http://www.energy.senate.gov/public/>
- ▶ U.S. Senate Committee on Armed Services
<http://www.armed-services.senate.gov/>
- ▶ U.S. Senate Select Committee on Intelligence
<http://www.intelligence.senate.gov/>
- ▶ U.S. Congress Joint Economic Committee
<http://www.jec.senate.gov/public/>

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Constituent Services - Casework

THE FIRST AMENDMENT OF THE U.S. CONSTITUTION GUARANTEES THE
“RIGHT OF THE PEOPLE . . . TO PETITION THE GOVERNMENT FOR A
REDRESS OF GRIEVANCES”

Standing Rule 43

- ▶ In 1992, the Senate adopted S. Res. 273, which created Senate Rule 43.
- ▶ Generally, Senators have broad discretion in deciding whether and how to assist constituents.

- ▶ **Merits of the Request**

Prior to intervention with a government agency, a Member should consider both the merits of the constituent's case, as well as the kind of agency involved, and the nature of the agency proceedings.

- ▶ **No Special Treatment**

No special treatment for contributions or services, or promises of contributions or services to political campaigns or organizations that the member has a political, personal or financial interest.

Permissible Interventions with Federal Agencies

- ▶ Request information or a status report;
- ▶ Urge prompt consideration;
- ▶ Arrange for interviews or appointments;
- ▶ Express judgments;
- ▶ Call for reconsideration of an administrative response which the Member believes is not reasonably supported by statutes, regulations or considerations of equity or public policy; or
- ▶ Perform any other service of a similar nature consistent with the provisions of this rule.

Impermissible Interventions in Federal Agency Proceedings

- ▶ The Senate Ethics Committee has recommended that Members not intervene if an executive branch agency is engaged in an ongoing enforcement, investigative, or other quasi-judicial proceeding.
- ▶ Federal law prohibits ex parte (off the record) communications with an agency employee reasonably expected to be involved in decision-making regarding the merits of a proceeding.
- ▶ The delegation of judicial authority to the Executive Branch is governed by the federal Administrative Procedure Act of 1946.

Ethics Summary

Permissible Intervention

- ▶ Congressional staff may intervene to facilitate the appropriate administrative processes involved, encourage an agency to give a case consideration, and sometimes advocate for a favorable outcome.

Impermissible Intervention

- ▶ Congressional staff cannot force an agency to expedite a case or act in favor of a constituent.

Privacy

Privacy Act of 1974

- ▶ Federal agencies that maintain personally identifying information must have a release from that individual to share information with any other entity.
- ▶ Agencies cannot reply to a congressional inquiry without a Privacy Act release signed by the constituent stating that they grant the Member access to any record held by an agency that will help resolve the constituent's inquiry.

Health Insurance Portability and Accountability Act of 1996

- ▶ Prohibits health plans & health care providers from using or disclosing identifiable information to most individuals or entities without a patient's written authorization.
- ▶ HIPAA Release May be Needed For:
 1. Social Security disability
 2. Veterans' programs
 3. Medicare & TRICARE
 4. Workmen's compensation, etc.